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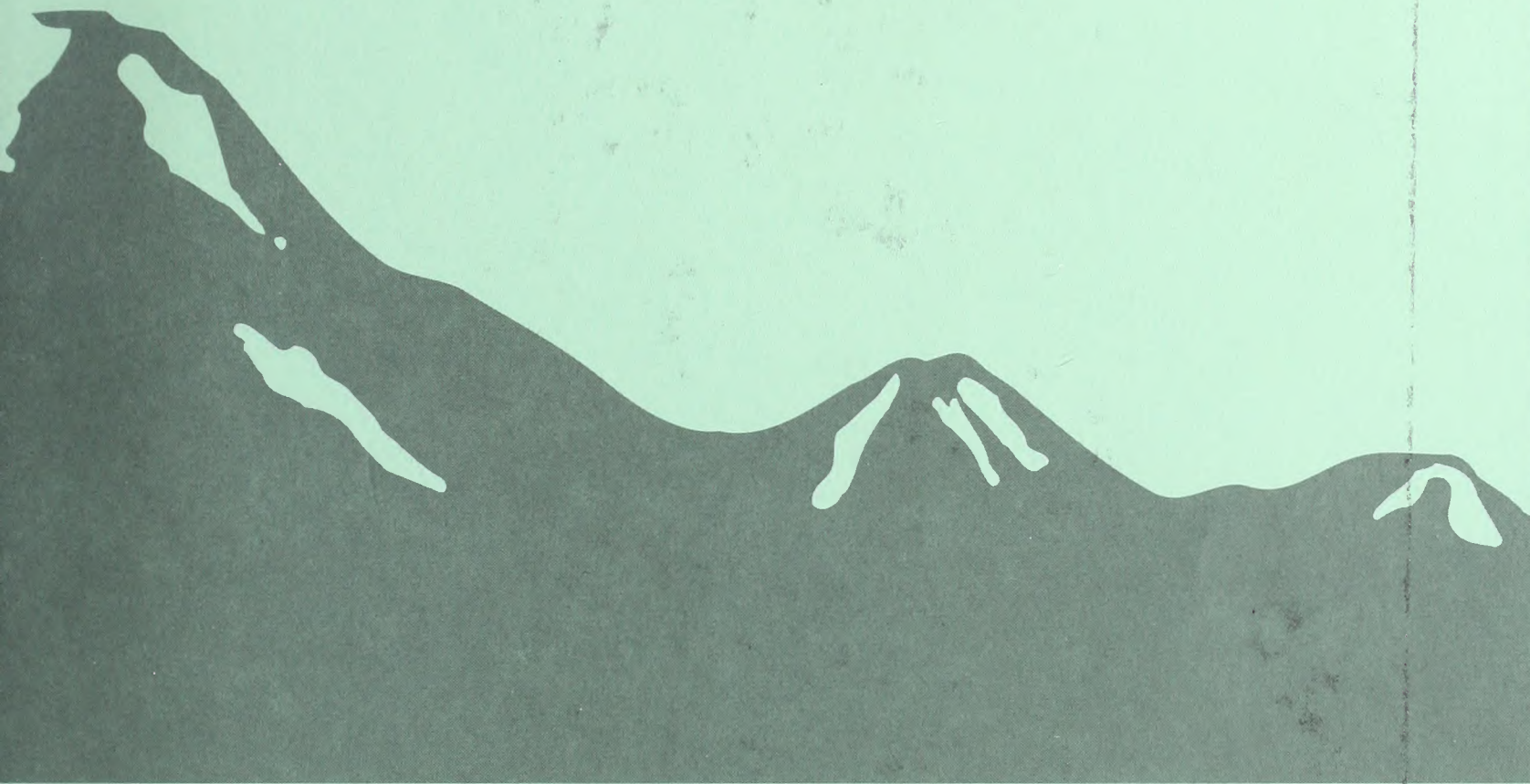


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BRIEFING STATEMENTS

Montana/Dakotas

October 2009



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Montana State Office

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The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times. Management is based on the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation; rangelands; timber; minerals; watershed; fish and wildlife; wilderness; air; and scenic, scientific, and cultural values.

BLM/MT/GI-10/001



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Montana State Office
5001 Southgate Drive
Billings, Montana 59101-4669
<http://www.blm.gov/mt>



October 2009

Greetings from the Montana/Dakotas Bureau of Land Management:

The Montana/Dakotas BLM administers about 8.3 million acres of federal lands and about 47.2 million acres of federal mineral resources in the states of Montana, North Dakota, and South Dakota. Our goal is to sustain the health of the land while making the resources available for public use and enjoyment. Given the variety of resources in Montana and the Dakotas, land management decisions involve many different issues.

This book contains a current set of briefing statements that highlight several of our major programs and issues. These statements are updated and printed twice a year; this edition replaces the September 2008 book. You can also find these documents at http://www.blm.gov/mt/st/en/info/newsroom/briefing_papers.html. This website is updated as necessary and is an excellent source for up-to-date information on BLM programs.

We hope this document is useful to you. We will continue to send updates unless you request otherwise. If you would like to be removed from our mailing list, please contact Ann Boucher in the BLM External Affairs Office, 5001 Southgate Drive, Billings, Mont., 59101, phone 406-896-5011, or e-mail aboucher@blm.gov.

Sincerely,

Gene R. Terland
State Director

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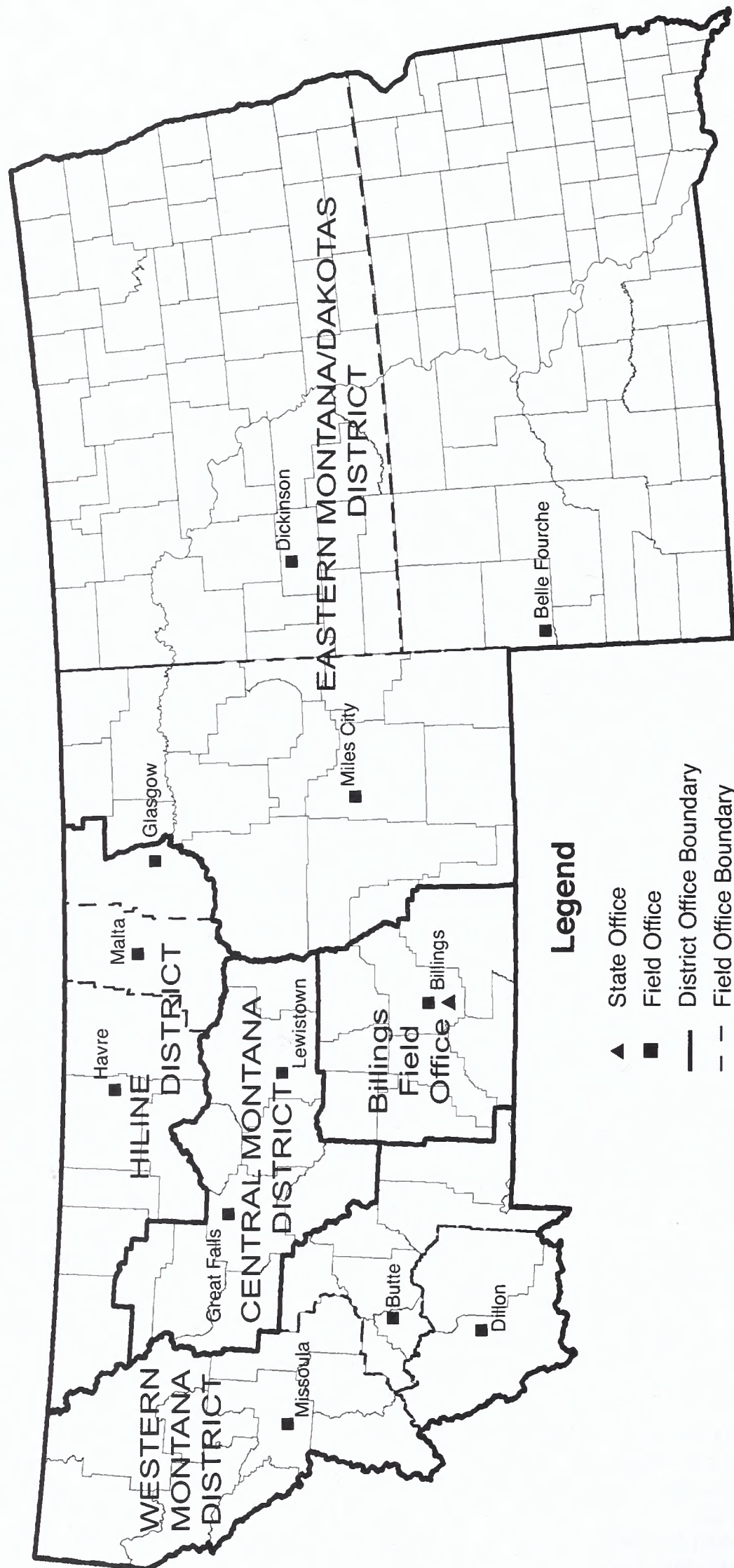
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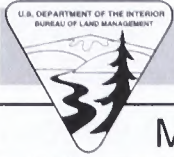
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OFFICE LOCATIONS AND BOUNDARIES MONTANA/DAKOTASBLM





MONTANA/DAKOTAS BLM ACCESS INITIATIVE

PURPOSE OF THE BRIEFING DOCUMENT:

To provide information on the Montana/Dakotas Access Initiative.

ISSUES:

Access to public lands is a high priority for the Montana/Dakotas BLM. The changing ownership of private lands and the subsequent blocking of access to public lands has, at times, created a critical access situation in Montana and the Dakotas. At the same time, there is significant community growth, decreasing access to many private lands, and increasing demand for access to public lands. Challenges are also being made against existing access.

Over the past few years, our ability to acquire public access to BLM-managed lands has decreased substantially due to the loss of BLM realty positions, a lack of funds, and an increasing workload. We are developing a course of action that will emphasize the importance of access and accelerate our ability to create more public access to BLM lands in the three states.

BACKGROUND:

BLM Montana State Director Gene Terland and Associate State Director Howard Lemm have identified access to public lands as a high priority for Montana/Dakotas. In January 2008, they directed the State Management Team to form a committee to examine access issues and make recommendations. The committee met with various government and non-government organizations and developed recommendations.

To achieve a proactive access program, we must: 1) utilize a variety of methods to acquire public access including land exchanges, fee acquisition, easements, right-of-way negotiations for reciprocal public access, Block Management, etc.; 2) utilize a number of tools such as BLM staff, BLM retirees, partnerships, contracts, volunteers, land trusts, and funding sources such as the Federal Land Transaction Facilitation Act funds, etc., to secure public access; and 3) have a BLM staff member dedicated to addressing issues related to access to BLM-managed public lands.

MAIN DECISION OR MESSAGE:

The BLM in Montana and the Dakotas is being proactive in the access arena. To improve our ability to create more public access to BLM lands in the three states, we added an access program manager to our state office staff in Billings. This new team member will bring components of traditional BLM programs together to achieve many of our access goals. Likewise, the access program manager will maintain a repository of access concerns so that needs and solutions can be matched as opportunities arise. Janné Joy was selected to fill this position and reported in August.

We recognize that the need for public access to public lands is not exclusive to BLM, and we will work to secure partnerships with our sister federal agencies, state and local entities, as well as private organizations interested in improving access. Access needs are diverse. In some cases, agencies may merely need to blur jurisdictional lines in order to better meet the public's access needs. Other circumstances can be unique and will likewise demand unique and innovative solutions. Sometimes we may need to work with third party partners or develop alternative funding strategies. At other times, we may need to devise flexible ways to work with willing sellers to acquire land or easements through outright acquisition, land exchanges, or donation. We hope that our renewed efforts will serve as incentive for other organizations to join us and that the public will reap the benefits for years to come.

We will also work to retain the existing access we already have to public lands as we coordinate with local governments and interest groups.

BUREAU PERSPECTIVE:

Montana/Dakotas BLM believes that it is imperative that we proactively address the issue of public access on BLM lands in Montana/Dakotas.

CONTACT:

Janné M. Joy, Access Program Manager, (406) 896-5058



BILLINGS/POMPEYS PILLAR RESOURCE MANAGEMENT PLAN

PURPOSE OF THE BRIEFING DOCUMENT:

The Billings Field Office is preparing a resource management plan (RMP) that will address public lands managed by the Billings Field Office. One environmental impact statement (EIS) will be prepared. Currently, lands within the Billings Field Office, including Pompeys Pillar National Monument, are managed according to the 1984 Billings Resource Area RMP, as amended.

ISSUES:

Preparation of an RMP affords many opportunities for collaboration with local, state, federal and tribal governments and land management agencies, public interest groups, and public land users. Planning issues and management concerns are based on some of the foremost issues currently facing the Billings Field Office. Preliminary planning issues were identified early in the process during the preparation plan for the RMP, and then were subsequently refined by the inter-disciplinary team based on the scoping comments.

The planning issues include: vegetation; wildlife and fisheries; special status species; commercial uses (energy development, livestock grazing, forest products and areas within community wildlife protection plans, rights-of-way and land use authorizations, locatable and saleable minerals, and commercial special recreation permits); recreation management; travel management and access; and special management area designations (including areas of critical environmental concern). Based on the level of interest in travel management and access, the Billings/Pompeys Pillar RMP will address site-specific travel planning by alternative in 11 Travel Management Areas.

MAIN DECISION OR MESSAGE:

The Billings/Pompeys Pillar RMP will guide management for the approximately 427,000 acres of federally managed surface and about 1.8 million subsurface (mineral estate) acres administered by the Billings Field Office in Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland and Yellowstone counties. The planning area also includes administration of 6,340 acres of public land inside the Pryor Mountain Wild Horse Range in Big Horn County, Wyo. The Billings/Pompeys Pillar RMP will also include the 51 acres of public land designated as a national monument on January 17, 2001.

In October 2007, the Montana State Office approved a preparation plan for the Billings/Pompeys Pillar RMP. Public scoping was initiated May 15, 2008, with the publication of the notice of intent in the *Federal Register*. Formal scoping ended August 22, 2008; however, public comments will be considered throughout the planning process. Seven public open houses were held across the planning area and about 600 specific comments were provided by agencies and interested parties. In June 2009, the Billings Field Office hosted a series of Travel Management Workshops. The objective of the workshops was to collect feedback from the public on our travel route layers (data) and where they visit public lands for motorized and/or non-motorized recreation opportunities.

The BLM is working with 15 cooperating agencies on the RMP, including: Carbon, Golden Valley, Wheatland, Musselshell, and Yellowstone counties; Big Horn County, Wyo.; Musselshell Planning Project; Northern Cheyenne Tribe; Montana Fish, Wildlife and Parks; Montana State Historic Preservation Office; Montana Department of Natural Resources and Conservation - Northeastern Land Office and Southern Land Office; Montana Association of Conservation Districts; Bureau of Indian Affairs; and the Bureau of Reclamation. In addition, the Eastern Montana Resource Advisory Council (RAC) has designated two committee members to participate in the planning process and has established two RAC sub-committees to focus on travel management and special designations.

BUREAU PERSPECTIVE:

Public interest is moderate to high because the RMP will establish management direction for the field office for the next 10-15 years. There is increased interest in energy development, travel management, and special area designations.

CONTACT:

Jim Sparks, Billings Field Manager, (406) 896-5241; or Kim Prill, RMP Project Leader, (406) 896-5199.

**BUTTE RESOURCE MANAGEMENT PLAN (RMP) REVISION****PURPOSE OF THE BRIEFING DOCUMENT:**

The Butte Field Office has revised the Headwaters Resource Management Plan (RMP). Because the new RMP applies only to the lands in the Butte Field Office area (instead of being split between the Butte and Lewistown field offices as the Headwaters RMP was), the new document is called the Butte RMP. Land under the jurisdiction of the Lewistown Field Office will continue to be managed under the Headwaters RMP.

ISSUES:

Issues and management concerns were based on the preparation plan and public scoping results. Preparation of the RMP afforded many opportunities for collaboration with local, state, federal and tribal governments and land management agencies, public interest groups, and public land users. Outreach to the public and other agencies resulted in some modification of issues and concerns during this process.

Issues identified were: vegetation management; wildlife and special status and priority plant/animal species; travel management and access; recreation; and special designations (including areas of critical environmental concern, wild and scenic rivers, and wilderness study areas). Other management concerns included: air quality; abandoned mine lands; land ownership adjustments; mineral leasing/exploration/development (including oil and gas); soil resources; cultural and paleontological resources; water quality/quantity; and social/economic concerns.

MAIN DECISION OR MESSAGE:

In December 2002 the Montana State Office approved a preparation plan; in August 2003 a contractor (Tetra Tech) was hired to assist in the preparation of the Butte RMP. Initial public scoping began December 19, 2003, with the publication of the notice of intent, and ended February 17, 2004. As a continuation of the scoping process, a proposed planning scenario was developed and mailed out to over 300 parties with a 30-day comment period in June 2005.

Five public travel plan scoping meetings were held in November and December 2004. In summer 2005, community-based working groups were developed to assist with developing alternatives for travel route-specific decisions in three travel planning areas (implementation decisions).

The state of Montana, eight counties, and four Native American tribes were invited to be cooperating agencies in this process, but no official agreements were signed. The Butte Field Office worked with the counties, tribes, public, Forest Service, U.S. Fish and Wildlife Service, EPA, and the Western Montana Resource Advisory Council throughout the RMP process. A coordination meeting was held in February 2005 with various federal, tribal, state, and local agencies to determine any further interest from agencies to be involved with the RMP process. Although agencies and tribes wanted to stay informed during the RMP process, none wished to be a formal cooperating agency, mostly due to budget and time constraints.

The BLM canceled the contract with Tetra Tech with the contract closing out in January 2007. The BLM completed the remainder of the RMP revision.

The Draft Butte Resource Management Plan and Environmental Impact Statement were released for a 90-day public comment period on June 8, 2007. The Butte Field Office received approximately 172 submissions for public comments during the public comment period on the draft RMP/EIS, which was extended to October 9, 2007.

The proposed RMP/final EIS was released in September 2008. Six valid protests were received. All protests were denied with no changes made to the proposed RMP. The Butte Field Office published the record of decision/approved resource management plan in May 2009, thus completing the planning process for the RMP.

BUREAU PERSPECTIVE:

Public interest was moderate to high because the RMP will set the direction for how the field office will be managed over the next 10-15 years. There is general interest among the public about the management of roads and trails, wildlife and vegetation, fuels, and special area designations.

CONTACT:

Richard Hotaling, Butte Field Manager, (406) 533-7629; or Tim La Marr, Project Leader, (406) 533-7645



HILINE RESOURCE MANAGEMENT PLAN

PURPOSE OF THE BRIEFING DOCUMENT:

The BLM is preparing a resource management plan for lands under the jurisdiction of the Malta Field Office. The RMP will direct the long-term management on about 2,420,000 acres of surface and 3,520,000 acres of federal mineral estate within eight counties of north central Montana. This plan will replace the West HiLine RMP and the Valley and Phillips portion of the Judith-Valley-Phillips RMP. Formal public scoping was completed in October 2006.

ISSUES:

Key issues to be addressed in the plan are energy development, including fluid mineral leases; vegetation and invasive species management; land tenure; access; off-highway vehicles; greater sage-grouse habitat; and special management areas for resource protection.

MAIN DECISION OR MESSAGE:

In May 2006, the Montana State Office approved a preparation plan. Public scoping began September 9, 2006, with the publication of the notice of intent, and ended November 15, 2006. A report completed in May 2007 summarized the scoping process, including the solicitation of public comment and identification/refinement of the planning issues; it is available at the Malta Field Office.

Local economic strategies workshops were conducted in February 2007 in three HiLine communities: Shelby, Chinook, and Glasgow. The purpose of these workshops was to identify how the local and regional economy has changed and its relationship to public land management. Information discussed during these workshops provides a greater insight into planning issues and allows greater opportunities for collaborative planning.

Memorandums of understanding (MOUs) have been formalized to establish cooperating agency status for the following agencies: Phillips, Valley, and Blaine county commissions; Bureau of Reclamation; and Bureau of Indian Affairs. The BLM is also working with the U.S. Fish and Wildlife Service and Montana Fish, Wildlife and Parks. Additionally, MOUs establish cooperating agency status for the following eight cooperative state grazing districts: Badlands, Buggy Creek, North Blaine, North Phillips, North Valley, South Phillips, Wayne Creek, and Willow Creek. Ongoing outreach continues to develop opportunities for collaborative planning.

A reasonable range of alternatives was developed in summer 2008 with involvement of the various cooperating agencies. A preferred alternative is being developed in consultation with the cooperating agencies. A reasonably foreseeable development plan for oil and gas was finalized by the BLM Wyoming State Office (Casper).

BUREAU PERSPECTIVE:

Public interest will be high because of energy development, greater sage-grouse populations, off-highway vehicle use, and special management areas.

CONTACT:

Jerry Majerus, RMP Project Manager, 406-538-1924



MILES CITY FIELD OFFICE RESOURCE MANAGEMENT PLAN REVISION

PURPOSE OF THE BRIEFING DOCUMENT:

The Miles City Field Office is revising and combining the Big Dry and Powder River resource management plans (RMPs) into one: the Miles City Field Office RMP. Prior to 1998, the field office operated under two resource areas — Big Dry and Powder River — and the lands in each area are currently managed under their own RMPs.

The Big Dry RMP area consists of about 1.7 million acres of BLM-administered surface acres and 7.6 million acres of BLM-administered mineral resources. It encompasses public lands in 13 counties in eastern Montana: Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Prairie, Richland, Roosevelt, Rosebud, Sheridan and Wibaux. The Powder River RMP area consists of about 1.1 million surface acres of land and 4.1 million acres of minerals. It includes portions of Custer, Carter, Rosebud and Big Horn counties, and all of Powder River and Treasure counties.

ISSUE:

The BLM published a *Federal Register* notice on February 4, 2005, announcing its intent to plan and conduct public scoping for the RMP. A draft EIS/RMP amendment will be issued for a 90-day public review, and the final EIS/proposed RMP amendment will be issued for a 30-day protest period. The BLM expects to issue the record of decision in the winter of 2011.

About 200 people attended nine public scoping meetings held throughout southeastern Montana. Issues identified include impacts to water and air from oil and gas exploration and development; making more public lands accessible for recreation opportunities; effects from noxious weeds spreading in open off-highway vehicle use areas; effects to aquatic habitat and riparian areas from livestock grazing; and effects to sage-grouse habitat from oil and gas development, other mineral development and livestock grazing.

The cooperating agencies and other collaborators met in April 2006 to develop alternative plans for addressing the issues identified during the scoping period. The group developed four alternative “themes” for grouping alternative management actions, including a “local economy” theme.

Cooperating agencies helping to prepare the plan include: Lower Brule Sioux and Fort Peck tribes; Big Horn, Carter, Custer, Daniels, McCone, Powder River, Richland, Rosebud, Sheridan, and Treasure counties; Carter, Garfield, McCone, Prairie, Richland, and Wibaux county conservation districts; Little Beaver Conservation District; Prairie County Cooperative State Grazing District; Montana Department of Environmental Quality; Montana Department of Natural Resources and Conservation; Bureau of Indian Affairs; Environmental Protection Agency; and Montana Fish, Wildlife and Parks.

MAIN DECISION OR MESSAGE:

The changes that have taken place in the past 10 to 20 years have resulted in different users and uses of public lands. Issues have emerged relating to potential threatened and endangered species; increased demand for oil and gas; and changes in intensity of use of other resources. The public lands and resources need to be managed consistently throughout the Miles City Field Office area. The RMP will allow BLM to guide management actions based on current information (changes in policy and guidance), sound criteria and public input, and provide a comprehensive framework for managing and allocating use of the public lands and resources in the Miles City Field Office.

BUREAU PERSPECTIVE:

Through the Miles City planning effort, the BLM aims to take a collaborative community-based approach in updating the existing management plan and resource allocations. The new RMP will consider new data, changing resource conditions, changes in the uses of public lands, and BLM planning instruction memoranda and bulletins. The BLM expects that numerous cooperating agencies and collaborators will continue to become involved in this process and will assist in providing a wide variety of data in support of this effort.

CONTACT:

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NORTH AND SOUTH DAKOTA RESOURCE MANAGEMENT PLANS

PURPOSE OF THE BRIEFING DOCUMENT:

The North and South Dakota resource management plans (RMPs) were initially completed in 1988 and 1986. These land use plans cover more than 274,000 surface acres and 3.7 million subsurface acres in South Dakota, and more than 58,000 surface acres and 5.6 million subsurface acres in North Dakota. There will be two records of decision and two environmental impact statements reflecting the plan for each state.

ISSUES:

This revision will address issues that were identified through internal scoping such as transportation planning, major energy development, forest health, livestock grazing and rangeland health, wildlife, recreation, and land tenure decisions.

MAIN DECISION OR MESSAGE:

There have been changes in users and uses of public land in the last 15 to 20 years within the Dakotas.

The next phase in the RMP process involves developing management alternatives and preparing the draft environmental impact statement.

BUREAU PERSPECTIVE:

Public interest is expected to be moderate to high because the RMP will set the direction for how the BLM-administered lands will be managed for the next 10-20 years. There is growing interest because of travel management planning (roads open/closed and game retrieval), oil and gas leasing in greater sage-grouse areas or areas of high cultural interest, and potential coal development.

CONTACT:

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UPPER MISSOURI RIVER BREAKS NATIONAL MONUMENT RESOURCE MANAGEMENT PLAN

PURPOSE OF THE BRIEFING DOCUMENT:

In December 2008, the Lewistown Field Office distributed the Upper Missouri River Breaks National Monument Record of Decision and Approved Resource Management Plan to a wide list of interested organizations and individuals. The appeal period for the ROD/approved plan ended February 9, 2009. We received two appeals and one request for stay. The BLM worked with the Regional Solicitor's office in responding to the request for stay and the appeals. The stay was denied and one appeal was withdrawn. The other appeal dealt with a road to private land that BLM showed as closed in the transportation plan. BLM committed during the planning process to leave roads accessing private land open; the final transportation plan will show the road in question as open.

In June and July of 2009, BLM received two lawsuits from environmental groups regarding the approved resource management plan/record of decision. These lawsuits claim BLM violated NEPA, The Wild and Scenic Rivers Act, the National Historic Preservation Act, FLPMA, and the Presidential Proclamation establishing the Upper Missouri River Breaks National Monument.

In summary, both lawsuits claim similar deficiencies in the plan: our road density is too high; motorized boats should be removed year-round from a segment of the river; all remote backcountry airstrips should be closed; and that BLM did not address the impacts of grazing in sensitive areas and cottonwood galleries or develop a plan to protect and restore those areas, etc.

ISSUES:

On January 17, 2001, the president designated the Upper Missouri River Breaks National Monument with a presidential proclamation. The proclamation recognizes the spectacular array of biological, geological and historical resources found on the approximately 375,000 acres of public land in this monument. The BLM is preparing a management plan to establish guidance, objectives and management actions for these lands and resources.

After extensive public involvement through scoping and alternative formulation, the draft RMP/EIS was distributed to the public near the end of October 2005. The deadline for public comment was April 26, 2006.

The Lewistown Field Office received 67,454 letters/emails on the draft RMP/EIS, including 1,825 non-form letters, 17 different form-type letters, and one form-type questionnaire. These letters and emails contained about 7,600 specific comments. They covered every aspect of the draft RMP/EIS, but the most common topics included road and travel management (motorized vs. non-motorized), landing strips, economics, private property, lifestyles, oil and gas, and recreation.

In March 2008, the BLM received 44 protest letters on the proposed RMP/final EIS, which was published in January 2008. These protests have been resolved.

Agriculture groups and individuals along the river or in the uplands are concerned that monument management will impact their ability to use their private land and/or their BLM grazing permits within the monument. They are also concerned about the federal water reservations in Arrow Creek and the Judith River, and they want to retain the opportunity to use motorized watercraft on the river. The Montana Pilots Association supports the continued use of the landing strips in the monument. Wilderness advocates prefer fewer roads, no airstrips, no development on existing natural gas leases, and reduced motorized opportunities on the river. Those favoring motorized recreation are looking for extended opportunities for personal watercraft, seaplanes and other motorized watercraft. American Indian tribes are concerned about protecting cultural sites within the monument.

MAIN DECISION OR MESSAGE:

Public participation was a vital element during the preparation of the proposed RMP, and will continue to play an important role during implementation of the approved plan.

BUREAU PERSPECTIVE:

The BLM is working with our regional solicitor on responding to the two lawsuits.

CONTACT:

Gary E. Slagel, Monument Manager, 406-538-1950



BADGER-TWO MEDICINE APPLICATIONS FOR PERMIT TO DRILL (APDS)

PURPOSE OF THE BRIEFING DOCUMENT:

The BLM and Forest Service are reviewing a drilling proposal at the former Fina exploratory drilling site in the Lewis and Clark National Forest. Sidney Longwell now holds the lease on which the Fina Oil and Chemical Company first proposed an exploratory well in 1983. The proposed well is located at the northern edge of the Lewis and Clark National Forest in the Hall Creek drainage in an area known as the Badger-Two Medicine.

ISSUES:

The BLM decides whether or not to approve drilling applications on federal leases. On national forest land, however, the Forest Service has primary responsibility for surface-related issues while the BLM has primary responsibility for "down hole" issues.

The drilling application for the well site was approved in 1991 after the Forest Service conducted several environmental analyses; an environmental assessment (EA) was completed in 1985 and a final environmental impact statement (EIS) was completed in 1990. The National Wildlife Federation and six other groups sued the Forest Service. The drilling approval and lawsuit were suspended while the Forest Service gathered information and analyzed the cultural and religious significance of the area to Native American tribes. About 90,000 acres of the Badger-Two Medicine were identified as a traditional cultural district (TCD) and as having traditional cultural importance to the Blackfeet Tribe. In January 2002, the keeper of the National Register of Historic Places determined this site as eligible for listing. The proposed drilling site is located roughly two miles north of the current district boundary.

MAIN DECISION OR MESSAGE:

In light of these findings, the Forest Service initiated an environmental review of new information gathered since the original drilling approval and a concurrent National Historic Preservation Act Section 106 review. The environmental review focuses on whether the new information has bearing on the decision to approve the drilling, and whether the new information requires a revision, correction, or supplement to the previous EIS. The Section 106 consultation assesses the effects to significant cultural properties and the mitigation needed, if any, to protect the cultural resource values.

The Section 106 consultation drew the Montana State Historic Preservation Officer, Blackfeet Nation, National Trust for Historic Preservation, Glacier National Park, the leaseholder (Longwell), and the Independent Petroleum Association of Mountain States into the proceedings. It has sparked attention from groups and individuals involved in earlier disputes and legal actions, as well as the Advisory Council on Historic Preservation.

During consultation, the Blackfeet Tribe and others brought forward information related to the TCD and its boundaries. This information was significant enough to trigger the need for additional data collection by the Forest Service to address the appropriate boundaries for the TCD. This data collection, primarily in the form of ethnographic study, was completed. The peer-reviewed, final ethnographic report, assisted by the Blackfeet Tribe, has been accepted by the Forest Service. The report recommends that additional lands to the north of the TCD be included in the district. The proposed well site is now within the area proposed for inclusion. The Blackfeet Tribe contracted with the same ethnographer to complete an ethnographic review of the remaining Forest Service lands in the southern portion of the Badger-Two Medicine. That report has also been finalized and recommends inclusion of the lands into the TCD. No formal nomination of any lands to the National Historic Register has taken place.

The Blackfeet Nation does not support oil and gas development in the Badger-Two Medicine area and believes that any development may affect the TCD in ways that cannot be mitigated. Legal action against the Forest Service seems likely on this project. Section 106 requires that the process continue as long as the proposal is active. This process is ongoing.

The Devon Operating Company has a pending APD (a lease formerly held by Chevron) nearby in the Goat Mountain Area that will require a similar review.

BUREAU PERSPECTIVE:

Public interest is very high. National organizations are involved, and decisions occasionally get statewide attention. Demonstrations of opposition were staged in Great Falls and Missoula, Mont., following the 1993 decision to approve the APD. U.S. Senator Max Baucus, D-Montana, introduced legislation into the 109th Congress for a permanent withdrawal of the federal minerals in an area inclusive of the Badger-Two Medicine. The president approved the legislation on December 20, 2006, under Public Law 109-432. The legislation does not affect the APD; however, if the leaseholder elects to relinquish the lease, the permanent withdrawal will be enacted.

CONTACT:

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**COAL BED NATURAL GAS DEVELOPMENT****PURPOSE OF THE BRIEFING DOCUMENT:**

Coal bed natural gas (CBNG) production in the Powder River Basin of southeastern Montana began in 1999 from private and state wells and in 2003 from federal wells. Approximately 850 wells are producing CBNG from federal, state and private leases. At this time, Montana's approved/producing CBNG wells are operated by Fidelity Exploration & Production Company and Pinnacle Gas Resources, Inc. These wells are located either in the CX Field, operated by Fidelity, adjacent to the CX Field, or near the Hanging Woman drainage, operated by Pinnacle. The BLM's Miles City Field Office continues to work with cooperators, the public and industry on CBNG proposals.

ISSUES:

In order to analyze conventional oil and gas development as well as full field CBNG development, the BLM, Montana Board of Oil & Gas Conservation, and Montana Department of Environmental Quality prepared a joint environmental impact statement (EIS, 2003) and resource management plan (RMP) amendment. The BLM issued its record of decision (ROD) in April 2003. The ROD and supporting EIS were subsequently litigated.

As a result of litigation, the U.S. District Court issued an order dated April 5, 2005, that directed the BLM to prepare a supplemental environmental impact statement (SEIS) to the 2003 EIS that analyzes the phased development of CBNG. In accordance with the U.S. District Court Order, the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM approved the *Record of Decision* (ROD) for the *Final Supplement to the Montana Statewide Oil and Gas Environmental Impact Statement and Proposed Amendment of the Powder River and Billings Resource Management Plans* (FSEIS), on December 30, 2008. The ROD approves BLM's proposed decisions in the Final SEIS.

Several local, state and federal agencies and tribes were cooperating agencies in the preparation of the SEIS: Rosebud, Carbon, Golden Valley, Powder River, Yellowstone, Musselshell, Big Horn and Treasure counties; Lower Brule Sioux and Crow tribes; Montana Department of Environmental Quality, and the Board of Oil and Gas Conservation; Bureau of Indian Affairs; Department of Energy; US Army Corps of Engineers; and the Environmental Protection Agency.

The BLM's Miles City Field Office is currently revising and combining the Big Dry and Powder River resource management plans (RMPs) into one: the Miles City Field Office RMP. The changes that have taken place in the past 10 to 20 years have resulted in different users and uses of public lands. Issues have emerged that relate to potential threatened and endangered species, increased demand for oil and gas, and changes in intensity of use of other resources. The public lands and resources need to be managed consistently throughout the Miles City Field Office area. The RMP will allow BLM to guide management actions based on current information (changes in policy and guidance), sound criteria and public input, and provide a comprehensive framework for managing and allocating use of the public lands and resources in the Miles City Field Office. For additional information please see the Miles City Field Office Resource Management Plan Revision briefing document.

MAIN DECISION OR MESSAGE:

The BLM's Miles City Field Office is processing plans of development (PODs) for CBNG as they are received and preparing additional, site-specific environmental documentation as needed. The Miles City Field Office will approve permits for federal CBNG wells in accordance with the guidance found in the ROD for the final SEIS, which includes intense monitoring and mitigation.

Monitoring and mitigation are vital for ensuring that the decisions made in the EIS/RMP amendment adequately protect the affected environment. Interagency working groups established for water, air, aquatics and wildlife have been in place since 2003 to monitor effects from CBNG development. Working group participants include both Montana and Wyoming BLM and Departments of Environmental Quality; the US Geological Survey; Forest Service; National Park Service; the Natural Resources and Conservation Services in Montana, Wyoming and South Dakota; and Native American tribes. Protection measures and best management practices are in place for several resources including air, water and wildlife. Mitigation measures can be modified based upon the results of monitoring and technology.



COAL BED NATURAL GAS DEVELOPMENT (continued)

The last PODs approved by the Miles City Field Office were the Fidelity Deer Creek North POD (34 federal wells and associated infrastructure), and the Decker Mine East POD (14 federal wells and associated infrastructure). Both PODs were approved in September 2008. The field office is reviewing the Fidelity Corral Creek POD (six federal wells and associated infrastructure) located adjacent to the east side of the Tongue River Reservoir, and the Pinnacle Forks Ranch POD (32 federal wells and associated infrastructure) located adjacent to the Wyoming state line in the Hanging Woman drainage. Both projects are in the early stages of processing and will be out soon for public scoping comment.

BUREAU PERSPECTIVE:

There is a high level of regional interest in CBNG production with most concerns focused on water and wildlife-related impacts, potential impacts to tribal resources, and the specific requirements of the final SEIS approved by the ROD.

CONTACT:

Dan Fox, Natural Resource Specialist, (406) 233-3664



GOLDEN SUNLIGHT MINE, INC. PARTIAL PIT BACKFILL SUPPLEMENTAL EIS AND 5B OPTIMIZATION

PURPOSE OF THE BRIEFING DOCUMENT:

Golden Sunlight Mine, Inc. (GSM) is a conventional truck and shovel mine which processes gold-bearing ore using facilities located on public and private lands near Whitehall, Mont. GSM has conducted mining and mineral processing activities under Operating Permit No. 00065 since 1975.

The BLM and Montana Department of Environmental Quality (DEQ) issued a decision in 1998 for expansion of the Golden Sunlight Mine. The associated environmental impact statement (EIS) analyzed a partial pit backfill alternative which was dismissed after DEQ concluded, in part, that it would not be economically feasible. Environmental groups filed suit against DEQ claiming that the partial pit backfill alternative was required by the Montana Metal Mine Reclamation Act.

A 2002 Montana State Court decision required that GSM submit a partial pit backfill plan. GSM submitted this plan to the agencies December 1, 2003. The BLM and DEQ completed a supplemental EIS which fully evaluated the impacts of the proposed partial pit backfill plan in 2007. All backfill alternatives would have resulted in ground and surface water quality degradation/violations. The selected alternative did not backfill the pit but was the most protective of ground and surface waters. The plaintiffs continue to pursue the case in spite of several adverse rulings.

In late 2007 GSM applied for a minor revision/plan amendment to deepen the pit to access deeper ore called the 5B Optimization. Although a small acreage of proposed disturbance is outside the existing disturbance area, this work is within the scope of previous NEPA/MEPA documents and generally improves environmental performance of the highwalls and waste rock dumps. This proposal would extend the mine life for an additional five to seven years to 2015.

ISSUES:

GSM mines about ten million tons of rock per year, of which 2.5 million tons are ore; the remainder is waste rock. About 300 million tons of wastes have been placed in waste rock dumps. The ore is milled and processed using a vat cyanide process, and tailings are pumped to lined impoundment II. Impoundment I has been reclaimed.

Because the rock at GSM has high potential for "acid rock drainage," effective reclamation is crucial. Extensive research and monitoring of several reclaimed waste dumps and highwalls has helped the GSM and agencies determine which reclamation practices are most effective. Surface water management is an important part of a successful reclamation plan. Managing mine dumps and surface water practices together is aimed at protecting water quality below the mine site. Long-term water treatment is an integral part of the mine plan. GSM has posted a total bond of nearly \$79 million to cover reclamation costs.

MAIN DECISION OR MESSAGE:

The 5 B Optimization will extend the mine life for five to seven years and allow the mine to improve reclamation of several waste rock dumps and the west pit wall. The stripping operations for 5 B Optimization started in 2008 and are continuing, meaning the mill will not be processing ore for about two years.

BUREAU PERSPECTIVE:

Public interest in the mine is high. Golden Sunlight employs more than 150 people and has been an important source of revenue for Jefferson County.

CONTACTS:

David Williams, Geologist, (406) 533-7655; or Joan Gabelman, Geologist, (406) 533-7623



GRAYMONT WESTERN U. S., INC. MINE EXPANSION EIS

PURPOSE OF THE BRIEFING DOCUMENT:

Graymont Western U.S. Inc (Graymont) proposes to expand its open pit limestone quarry to develop additional limestone reserves. This expansion would extend the life-of-mine for about 50 years.

ISSUES:

Graymont has operated a limestone quarry and plant in the Limestone Hills since 1982. Graymont mines high grade limestone from the Mission Canyon Formation of the Mississippian Madison Group. The Mission Canyon Formation forms the highest ridge of the northeast trending Limestone Hills, a small range of Paleozoic rocks located on the southeastern flank of the Elkhorn Mountain Range.

Graymont has submitted a proposal to expand limestone mining operations at its Indian Creek Mine and Plant located approximately four miles west of Townsend. The mine expansion would include portions of T. 7 N. R. 1 E. and T 6 N., R. 1 E. The proposed expansion would be a continuation to the south of Graymont's existing permitted operations in the Limestone Hills. The mine expansion would include about 1,300 acres as quarry areas, topsoil salvage areas, haul roads and waste rock placement areas, and concurrent reclamation. All disturbance would be reclaimed. Proposed mining operations would last for approximately 50 years.

A draft environmental impact statement was completed in December 2008 and analyzed potential impacts to the Montana National Guard's Limestone Hills Training Range which includes portions of the mine expansion area. The draft EIS analyzed impacts to geology and minerals; cultural and Native American religious concerns; air quality; paleontology; lands and realty; wildlife, fisheries and aquatic resources; range management; vegetation; soils; visual resources; recreation and wilderness; weeds; social and economic values; environmental justice; and threatened, endangered, candidate, and sensitive resources. Cumulative impacts were also addressed. The most significant environmental impact is the disturbance of 450 acres of mountain mahogany, an important browse species for wintering mule deer. The preferred alternative (Modified Pit Backfill) was added to enhance reclamation for the benefit of mule deer and bighorn sheep.

The consequence of an extended delay in permitting would likely mean an interruption in the supply of ore to the mill and possible short-term layoffs.

MAIN DECISION OR MESSAGE:

The BLM and Montana DEQ have prepared a draft EIS to cover the proposed expansion. The draft EIS was released in December 2008 and identified the Modified Pit Backfill as the preferred alternative. The agencies have evaluated the comments received in response to the draft and will be releasing the Final EIS in October.

BUREAU PERSPECTIVE:

Public interest in the mine is moderate. The most significant environmental impact is the disturbance of 450 acres of mountain mahogany, an important browse species for wintering mule deer. The preferred alternative (Modified Pit Backfill) was added to enhance reclamation for the benefit of mule deer and bighorn sheep.

CONTACTS:

David Williams, Geologist, (406) 533-7655; or Joan Gabelman, Geologist, (406) 533-7623



MONTANA TUNNELS MINING, INC. PIT EXPANSION

PURPOSE OF THE BRIEFING DOCUMENT:

Montana Tunnels Mining, Inc. (MTMI) proposed to deepen and expand its open pit mine to develop additional ore reserves. This expansion would extend the life-of-mine an additional three to five years from the date operations restart.

ISSUES:

MTMI has mined and processed ore from a single open pit mine since the adoption of the draft environmental impact statement (EIS) and approval of the current operating permit in 1986. Montana Tunnels mines a poly-metal bearing ore and produces gold, silver, lead and zinc in the form of metal-sulfide concentrates for sale into commerce. The products are recovered from the ore by conventional milling and flotation processes and gravity concentrating techniques. The mine operates under State Operating Permit No. 00113 and BLM Plan of Operations MTM-82856. It is located on public and private lands near Jefferson City in Jefferson County, Mont.

Development drilling programs at Montana Tunnels have delineated additional ore that extends beneath the existing open pit mine in the pipe of an ancient volcano. The ore body provides a significant resource for mining and milling beyond the current plan of operations. Montana Tunnels proposes to extend its life-of-mine plan to access this resource by open pit mining methods. The added ore resource will lengthen mining and milling operational life by approximately five years. The current mining plan covered operations into 2008, when economic conditions forced the mine into care and maintenance status.

To assure an uninterrupted supply of ore to the mill between the current plan and the mine expansion plan, overburden stripping from the open pit high wall layback was planned to begin in late 2008. The expansion of the pit to the north will require the relocation of Clancy Creek. The preferred alternative will move Clancy Creek into a reconstructed channel and riparian zone.

The downturn in commodity prices and the financial collapse in 2008 have made it difficult for MTMI to secure financing for its proposed expansion. The operation is currently in care and maintenance status pending changes in economic outlook.

MAIN DECISION OR MESSAGE:

The BLM and Montana DEQ released a final EIS and ROD to cover the proposed expansion in the fall of 2008.

The preferred alternative in the final EIS will allow MTMI to continue mining and reestablish a portion of Clancy Creek when mining is complete. The bond held by the agencies is approximately \$18 million.

The current economic downturn has continued to make it difficult for MTMI to secure financing for its expansion. The agencies expect the mine will reopen as the economy and commodity prices recover and MTMI is able to secure financing. With the current economic difficulties, many of the miners have likely sought work elsewhere.

BUREAU PERSPECTIVE:

Public interest in the mine is moderate. MTMI has a good history of environmental compliance and has not been a source of controversy. The company employed more than 200 people and has been an important source of revenue for Jefferson County. More than 100 people, mostly mine supporters, attended an EIS scoping meeting in early 2006.

CONTACTS:

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SIGNAL PEAK ENERGY COAL LEASE APPLICATION

PURPOSE OF THE BRIEFING DOCUMENT:

Signal Peak Energy LLC has submitted an application to lease federal coal from approximately 2,700 acres in Musselshell County, Mont.

ISSUES:

Signal Peak Energy LLC is actively engaged in underground coal mining in Musselshell and Yellowstone counties, Mont. The proposed federal coal lease would be applied to the dedicated reserve base of the Bull Mountains Mine No. 1 and would allow the mine to fully implement the life of mine plan which features longwall mining.

Surface facilities associated with the Bull Mountains Mine No. 1 would provide mine servicing, mineral handling, coal cleaning and storage, coal transport by railroad, soil and spoil storage, waste disposal, and water and air pollution control. These facilities are currently being constructed.

The Bull Mountains Mine No. 1 began in 1992 through conversion of a surface mine to underground development and has been producing one million tons annually. With full development of the life of mine plan, the company anticipates annual production of 12 million tons of saleable clean coal and continuation of employment for 200 workers currently employed at the mine.

The federal coal lease areas are within the mining sequence for large blocks of private coal reserves. Based on projected annual coal production, Signal Peak estimates that underground mining would reach the first of the federal coal lease areas within three years.

MAIN DECISION OR MESSAGE:

With concurrence from BLM, Signal Peak has selected a third party contractor to prepare a NEPA document to analyze the effects of issuing the coal lease. In addition, the company and BLM have worked together to prepare a memorandum of understanding and preparation plan for the NEPA document.

BUREAU PERSPECTIVE:

Public interest in the Bull Mountain Mine No. 1 is moderate to high. The mine employs approximately 200 people and is a very important source of revenue for Musselshell County.

CONTACT:

Jim Sparks, Billings Field Manager, 406-896-5241



SIoux EIS AND PROGRAMMATIC AGREEMENT

PURPOSE OF THE BRIEFING DOCUMENT:

To provide background information on the implementation of decisions stemming from the Sioux Ranger District Environmental Impact Statement (EIS), and the execution of the terms of the related programmatic agreement (PA).

ISSUES:

In 1996, the Custer National Forest (CNF) began work on an EIS on oil and gas leasing on CNF lands in South Dakota. These lands include the North and South Cave Hills, the Slim Buttes, the East and West Short Pines, and the Camp Crook administrative site. As part of the National Environmental Policy Act (NEPA) process, and to be consistent with the National Historic Preservation Act (NHPA) requirements, the CNF consulted with the Advisory Council on Historic Preservation, the South Dakota State Historic Preservation Office (SHPO), and the affected Indian tribes on potential effects to these units from oil and gas leasing.

The project area contains some of the richest concentrations of significant archaeological sites within the northwestern plains. The unique and widely varied sites include world-class petroglyphs, bison jumps, rock shelters, deeply stratified campsites, stone circles, fasting beds, and eagle trapping lodges. Forty-four sites in the project area are listed on the National Register of Historic Places. In addition, a draft National Register District nomination for traditional cultural properties in the North Cave Hills is currently under review by the Tribal Historic Preservation Officers of the Standing Rock Sioux and Cheyenne River Sioux tribes, and the SHPO. Four tribes — Standing Rock Sioux, Cheyenne River Sioux, Lower Brule, and Rosebud Sioux — have submitted tribal resolutions to the CNF identifying the North Cave and South Cave Hills, and Slim Buttes as lands with traditional religious and cultural significance.

Based on its consultations, the CNF determined that a PA would assist in defining the process by which the Forest Service would lease and develop oil and gas resources and meet its requirements under the NHPA. The CNF worked with the BLM and other consulting parties in development of this PA. The PA was signed in March 2007 and the decision for the EIS was issued March 15, 2007. As a result, oil and gas companies have begun to nominate parcels within the North Cave and South Cave Hills. The BLM, Forest Service, SHPO, and tribes have met, in accordance with the PA, to discuss possible development surrounding the North Cave and South Cave Hills. When nominated parcels become available for sale, additional meetings will be scheduled. The BLM is committed to ensuring that the on-going consultation process meets the needs of all parties.

MAIN DECISION OR MESSAGE:

In its decision, the CNF placed a no surface occupancy stipulation for the North Cave and South Cave Hills. This essentially would push development from CNF lands to adjacent private lands where the BLM would be responsible for completing the Section 106 process. Some of the parcels nominated for leasing may be located near cultural resources of such significance that placing a well on private land and resolving potential adverse effects could be difficult. The BLM should anticipate that one or more of these nominated leases and subsequent proposed developments could force the application of the special cultural resource management stipulation. This stipulation states that if the potential effects from development cannot be adequately mitigated, the BLM may have to disapprove a proposed application for permit to drill.

BUREAU PERSPECTIVE:

The BLM, as a participant in the PA, will continue to consult with tribes and the SHPO on proposed developments on private lands as they are proposed. The CNF has held consultation meetings on the nominated parcels in conjunction with the SHPO. Comments from the SHPO to the CNF have identified a number of potential conflicts with cultural resource values and oil and gas development. At this time, most of the parcels have been leased and we are now awaiting applications to permit to drill. These applications may be problematic as the previous consultation efforts indicated that siting a well may be difficult given impacts to the viewshed.

CONTACT:

Gary Smith, Deputy Preservation Officer, (406) 896-5214



ZORTMAN AND LANDUSKY MINE RECLAMATION AND WATER MANAGEMENT

PURPOSE OF THE BRIEFING DOCUMENT:

The bonds posted for reclamation and water treatment at these bankrupt Montana gold mines have not been adequate. The mines are located on about 1,200 acres of intermingled private and public lands in the Little Rocky Mountains of Phillips County near the Fort Belknap Indian Reservation.

After three years of environmental review, analysis, and consultation with the Fort Belknap Tribes, a record of decision (ROD) was issued in 2002 selecting final mine reclamation plans. The reclamation plans were estimated to cost more than the funding available from the reclamation bonds. With supplemental funding from BLM and the state of Montana, the reclamation earthwork was completed in May 2005. However, there is still a funding shortage to maintain water treatment. Upon conclusion of the bankruptcy process, BLM invoked its CERCLA authority in 2004 to maintain the systems used for capture and treatment of acid mine drainage and heap leaching solutions.

ISSUES:

The mine owner/operator, Pegasus Gold Corporation, declared bankruptcy in 1998 and the bonds collected by the Montana Department of Environmental Quality (DEQ) were used to pay for most of the reclamation (\$29.6 million for earthwork and a \$13.8 million water treatment trust fund). To date, the BLM has provided more than \$9 million and the DEQ has provided over \$1 million to assist with reclamation and excess water treatment costs.

Back in 1998, the Interior Board of Land Appeals (IBLA) set aside BLM's 1996 and 1998 reclamation plan decisions and required more consultation with the Fort Belknap government. The BLM, DEQ, EPA, and the Fort Belknap government re-evaluated the reclamation options and collaborated on a supplemental EIS (SEIS). The final SEIS on mine reclamation was released in late 2001, with the ROD issued May 1, 2002. The selected reclamation plans from the final SEIS were estimated to cost \$76.9 million for earthwork and water treatment, or approximately \$33.5 million more than was available from the reclamation and water treatment bonds.

The Fort Belknap government was consulted on a draft ROD. Although it agreed in principle with the preferred reclamation plans, the tribal government rejected the ROD because it did not include provisions for Fort Belknap to manage the reclamation, or funds for offsite environmental projects that would benefit the reservation. The tribes appealed the BLM's ROD to IBLA shortly after it was issued in 2002. Reclamation work continued at the mines during the appeal period. In 2004, the BLM invoked its CERCLA authority in order to continue site management activities. The IBLA dismissed the tribes' appeal as moot on June 22, 2006, saying because there is no operator, and because the project is no longer administered under the regulations at 43 CFR 3809, no relief is possible.

MAIN DECISION OR MESSAGE:

The DEQ and BLM are presently managing the site and have conducted reclamation and water treatment activities since 1999. The reclamation earthwork has been completed.

One source of litigation is that the ROD selected the preferred reclamation plans from the final SEIS contingent upon funding. Of the \$33.5 million funding shortage identified in the ROD, \$22.5 million was required for earthwork and \$11 million to treat acid rock drainage. Due to efficiencies realized through the competitive bid process, and funding provided by BLM's abandoned mine land program and state grants, the shortfall in funding for the reclamation earthwork was eliminated. Therefore, BLM has been able to complete implementation of the preferred reclamation alternatives on the public lands.

Another critical item that has been resolved is the funding needed for the long-term water treatment trust fund. This fund is supposed to generate enough revenue to fund water treatment indefinitely after year 2017. The Montana legislature approved a bill last session that established a trust fund to pay for water treatment beyond 2017.



ZORTMAN AND LANDUSKY MINE RECLAMATION AND WATER MANAGEMENT (continued)

The remaining critical issue is the cost of short-term water treatment between now and 2017. The present bond provides \$731,000 each year (through 2017) to run the seepage capture systems and water treatment plants. Treatment costs have consistently been over this amount since 1999; and BLM provided money to pay for the excess water treatment costs through 2008. Now that reclamation is complete, the combined site maintenance and water treatment costs will run an estimated \$1.5 million per year through 2017. The most pressing issue is that beginning in 2008, it cost an estimated \$770,000 per year over the annual bond payment to maintain the site and prevent the release of contaminants. This annual treatment shortfall will continue until 2018, when the long-term trust fund for water treatment becomes available.

Concurrent with the aforementioned mine reclamation activities, the Fort Belknap Tribes filed suit in April 2000 against BLM, BIA and IHS, claiming that the government had violated its trust responsibilities by failing to protect the tribes' trust resources from damage due to mining. The U.S. District Court in Missoula issued a ruling on June 29, 2004, granting summary judgment in favor of BLM. The tribes appealed this ruling to the Ninth Circuit, which heard the case in June 2006. In November 2006, the Ninth Circuit affirmed the ruling of the District Court in BLM's favor. In December 2006, the tribes petitioned the Ninth Circuit for a rehearing. In addition, on January 29, 2004, the tribes filed a citizen suit under the Clean Water Act over mine discharges against BLM, DEQ, and a patented (private) claim owner. In February 2005, the U.S. District Court in Great Falls dismissed the tribes' case against BLM for lack of jurisdiction, citing BLM's use of its CERCLA authority as not being subject to review.

With the closeout of the ZMI bankruptcy proceedings in late 2003, the Zortman and Landusky mines are abandoned. In June 2004, the state director signed an action memorandum to continue the capture and treatment of mine drainage and heap solutions as time-critical removal actions under BLM's delegated CERCLA authority. The CERCLA removal action is being conducted in close cooperation with the DEQ. Most recently, the BLM consulted with the Fort Belknap government on an engineering evaluation/cost analysis (EE/CA). The EE/CA and accompanying action memorandum were completed in September 2006. The EE/CA found that the present capture and treatment systems are optimal and no large-scale changes in water treatment technology are warranted.

One issue of relatively recent concern is contamination due to some iron-rich seeps that occur in Swift Gulch, north of the Landusky Mine. The water quality from these seeps has gotten worse since mine closure in 1998. A water treatment system was put into place in 2009 to increase the pH of the water and allow the contaminants to settle out in a series of pond constructed adjacent to the creek.

BUREAU PERSPECTIVE:

Reclamation at the mines is a contentious issue with the Fort Belknap Tribes and state and national environmental groups. The Mineral Policy Center/Earthworks and Montana environmental organizations often cite the Zortman-Landusky mines during debates on mining regulation.

CONTACTS:

Peter Bierbach, (406) 896-5033



BLACKFOOT COMMUNITY PROJECT

PURPOSE OF THE BRIEFING DOCUMENT:

The Blackfoot Challenge, in partnership with The Nature Conservancy, is in the final phase of the Blackfoot Community Project. The Blackfoot Community Project is a community-based and locally developed effort to guide the future ownership and management of key lands formerly owned by Plum Creek Timber. In September 2003, The Nature Conservancy and Plum Creek reached an agreement on the sale of over 89,000 acres in the upper Blackfoot Valley. This transaction has since been completed and the lands acquired by The Nature Conservancy are being re-sold into public and private ownership based on this community driven plan.

As of January 12, 2009, about 36,000 acres have been sold to public buyers and about 11,000 acres have been sold to private buyers. Of this acreage, the BLM has acquired 6,120 acres using LWCF funding. It is anticipated that the BLM will acquire approximately 6,035 additional acres through LWCF and an assembled land exchange.

ISSUES:

The Blackfoot Challenge, comprised of local landowners, federal and state land managers, local government officials and corporate landowners, has been working in the Blackfoot Valley for 15 years to coordinate conservation efforts in the watershed. An important consideration in the Blackfoot's diversity and rural character is that large landholdings in the watershed remain intact. Sixty percent is now in public ownership and the remaining 40 percent is made up of primarily large working ranches or large timberland holdings. Fragmentation of private lands by subdivision and development is a threat to wildlife habitat and the traditional agricultural and rural lifestyle of the watershed. Maintaining the rural way of life and protecting the natural resources of the Blackfoot are top priorities for the Blackfoot Challenge.

Community meetings were held in each participating community in the valley. All private landowners adjacent to the project lands were contacted, as some have expressed an interest in acquiring additional acreage. Ranchers with grazing leases on Plum Creek lands were also contacted, and they have indicated a critical need to continue to graze these lands. There was a strongly voiced desire to see these leases remain as grazing areas and to go to public ownership, if necessary, in order to continue traditional grazing usage. The desire to maintain intact working ranches is clear.

MAIN DECISION OR MESSAGE:

At public meetings, Blackfoot Valley citizens and landowners expressed strong support for substantial public ownership of these lands to maintain historic public access, traditional grazing leases, and high natural resource values. They also encouraged ownership consolidation by adjacent public landowners to increase the effectiveness and efficiency of management activities such as grazing administration, forest management, noxious weed control, and public recreation management.

BUREAU PERSPECTIVE:

The BLM is only one of several public agencies acquiring some of Plum Creek's acreage. Other agencies include the U.S. Forest Service, the U.S. Fish and Wildlife Service, the Montana Department of Natural Resources and Conservation, and the Montana Department of Fish, Wildlife and Parks. All agencies are active partners in the Blackfoot Challenge and are committed to collaboration and community involvement.

CONTACT:

Nancy Anderson, Missoula Field Manager, (406) 329-3914

**BLACK-TAILED PRAIRIE DOG MANAGEMENT****PURPOSE OF THE BRIEFING DOCUMENT:**

Extensive prairie dog habitat is found on BLM lands throughout eastern Montana. Prairie dog towns in southern Phillips County (Malta Field Office) and in southeastern Montana (Miles City Field Office) have been considered for planned black-footed ferret reintroduction efforts.

ISSUES:

The U.S. Fish and Wildlife Service (FWS) determined in February 2000 that the black-tailed prairie dog warranted listing under the Endangered Species Act (ESA), but action was precluded because other species had higher priority. In August 2004, the FWS found that proposing a rule to list the black-tailed prairie dog was not warranted and the species was removed from the candidate species list. The FWS was petitioned again in July 2007 to list the black-tailed prairie dog, but due to other pending petition evaluations the petition was not evaluated until 2008. The determination is now scheduled for November 2009, which would then invoke a 60-day comment period. Listing, if determined, would occur 12 months later.

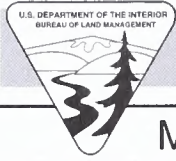
The black-footed ferret, however, lives in prairie dog towns and remains one of the most endangered mammals in North America. It was listed as endangered under the Endangered Species Act in 1973. An “experimental nonessential population area” for ferrets was established in southern Phillips County, Mont., in 1994. The Malta Field Office, under the Judith–Valley–Phillips Resource Management Plan, managed prairie dog towns to provide habitat for black-footed ferrets and other associated species, and to provide opportunities for recreational wildlife viewing and prairie dog shooting. The BLM, in cooperation with other agencies, tried to maintain the abundance and distribution of prairie dog habitat on the public lands at the 1988 survey level within an area known as the 7-km Complex Area of Critical Environmental Concern.

The exotic disease sylvatic plague began to reduce the prairie dog population in July 1992; by 1996, about 80 percent of prairie dogs in Phillips County were lost. Additional plague epizootics (prairie dog die-offs) have occurred across the county as prairie dogs returned, keeping the acres of prairie dogs below the 1988 level. There now appears to be no clear break between epizootics as the disease spreads and cycles through the dog towns, making it even less likely that a sustainable population large enough for ferret reintroductions is possible in the Beauchamp Creek Reintroduction Area.

In 1988, the Malta Field Office imposed a voluntary shooting closure on 15 prairie dog towns in the Beauchamp Creek Reintroduction Area, and formally closed them to shooting in October 1999. This attempt by BLM to close areas to shooting was appealed as far as the U.S. Supreme Court, which declared it moot when the Montana Department of Fish, Wildlife and Parks (FWP) was legislated authority to manage prairie dog populations. The Montana Legislature in 2001 passed a law allowing FWP to manage the black-tailed prairie dog as a “species in need of management.” The 2007 legislative session, however, did not reauthorize the 2001 law, and management status for the black-tailed prairie dog ended Oct. 1, 2007. The 2009 session also did little to correct the situation. Shooting closure signs have been removed and all areas are now open to shooting. Those towns which have not felt the effects of plague outbreaks received considerable recreational shooting activity during summers of 2008 and 2009.

Region 6 of FWP completed the Prairie Dog Abundance and Distribution Objectives Plan in April 2006. Although the agency can still work to maintain prairie dog town complexes for possible ferret reintroductions, it no longer has the authority to close areas to recreational shooting. It is unlikely that the Malta Field Office will take over management of shooting closures due to its lack of authority to manage wildlife populations.

Ninety-five captive-reared black-footed ferrets were released in Beauchamp Creek during 2001 to 2004. Six confirmed litters were produced, but then plague returned in 2004 to many of the dog towns inhabited by ferrets, and animals began to disappear. The latest plague outbreak has continued into 2009. Only one ferret was found during surveys in early September 2006. The animal could not be relocated later in the month. Additional spot-lighting surveys in July 2007 and 2008 also found no ferrets. Due to the poor survival rates of released ferrets and the inability to establish a self-sustaining population on public lands in southern Phillips County, the Malta Field Office did not request additional ferrets for release in 2006 through 2009.



BLACK-TAILED PRAIRIE DOG MANAGEMENT (continued)

MAIN DECISION OR MESSAGE:

Conservation actions are necessary to prevent the black-tailed prairie dog and other sensitive wildlife species from being federally listed, and to assist with black-footed ferret recovery efforts. Plague, however, severely limits what can be done realistically to provide sufficient prairie dog acreage in the proper arrangement for ferret recovery efforts.

BUREAU PERSPECTIVE:

The Malta Field Office is represented on the Prairie Dog Implementation Committee (PDIC), which is an 11-member advisory group formed to assist and advise the FWP in implementing the Region 6 plan in a coordinated and biologically-based manner. The group met six times between November 2007 and February 2008 for facilitated discussions on how to implement the Region 6 plan.

The highest priority of the Region 6 plan is for FWP to establish a "Category 1" complex of prairie dog colonies, which would cover at least 5,000 acres with no more than one mile between colonies. This size is necessary for the successful reintroduction of black-footed ferrets. The plan also calls for several "Category 2" complexes of 1,000 – 5,000 acres with no more than one mile between colonies. Although not large enough for ferrets, Category 2 complexes are meant to maintain prairie dogs as well as associated species such as the mountain plover and burrowing owl.

The PDIC has recommended southern Phillips County as a suitable location for the Category 1 complex. The FWP and the PDIC are working with land owners and managers to develop concurrence on an exact location, and then the FWP will manage for establishment of a complex.

CONTACT:

Fritz Prellwitz, Wildlife Biologist, (406) 654-5118, or fritz_prellwitz@blm.gov

**GREATER SAGE-GROUSE CONSERVATION IN MONTANA AND THE DAKOTAS****PURPOSE OF THE BRIEFING DOCUMENT:**

This briefing paper outlines the major ongoing efforts toward greater sage-grouse conservation in Montana, North Dakota, and South Dakota, beyond the specific measures developed as part of the BLM's project-planning processes.

ISSUES:

Planning: The BLM and its partners are working on resource management plan (RMP) revisions that will cover most of the BLM-managed sage-grouse habitat in the three states. The Montana/Dakotas organization views this as a prime opportunity to update our approaches to sage-grouse conservation. When updated, these RMPs will guide important on-the-ground decisions for habitat conservation and restoration.

As part of these RMP revisions, we held workshops with planning staff, biologists and specialists from oil and gas and range to address objectives and develop alternatives that are creative, achievable and address the new research findings. We continued to develop these ideas with a smaller committee which developed a template for field offices to consider when developing their RMP alternatives. This template complements the 'Core Areas' identified by the state agencies and will build on these areas for management of sage-grouse. The main premise of this template is to identify and analyze three types of management areas in an RMP.

1. Priority Protection areas – areas that contain good sage-grouse habitat and other resources and have limited disturbances.
2. Restoration Priority areas – areas that have the potential to have good sage-grouse habitat and other resources but already have existing disturbances (energy development, fire, old fields, etc.). The emphasis within these areas will be to restore the habitat or reduce existing disturbances using new mitigation measures, offsite mitigation, or other program dollars while maintaining populations for potential future larger restoration efforts.
3. General Habitat Areas – sage-grouse habitat outside the priority areas. Management will maintain habitat.

Management in all these areas will have common management guidelines for all uses. There will not be separate stipulations for energy development and timing and disturbance restrictions will apply to all uses.

We have retained Dr. Dave Naugle as the BLM science and planning advisor for Montana/Dakotas.

Research: The BLM has contracted the University of Montana to conduct a population viability analysis (PVA) for the sage-grouse in southeast Montana and the Dakotas. The Buffalo Field Office has also agreed to participate in this effort. The PVA will address issues such as the adequacy of the proposed protected areas, and what impacts or benefits will be expected by changing resource management for grazing, oil and gas development, power line development, and transportation design.

We have also cooperated with Montana Department of Fish, Wildlife and Parks (FWP), University of Montana, Forest Service Genetics Lab, World Wildlife Fund, Audubon Society and other non-governmental organizations (NGOs) to develop a system to collect sage-grouse feathers from across the state and analyze them for genetic connectivity between the populations. The analysis will be conducted by students at the University of Montana during the school year as part of the economic stimulus funding (ARRA). The data will be analyzed by the university and forest research staff.

The BLM is also conducting two management studies of sage-grouse to detect habitat usage and migration movements. The first study, in the Dillon office, involves radio tracking 25 sage-grouse biweekly with aerial methods to find how and when these birds migrate to Idaho for wintering and also where potential conflicts may occur with the proposed development of a major transmission line. The second study, in southeastern Montana, involves radio collaring up to 100 birds and monitoring habitat usage in proposed protection areas and identified high importance areas. Most of the radio tracking will be conducted with aerial flights.

The BLM is also cooperating on a new study, using satellite collars, to track habitat usage of migratory sage-grouse populations. Other cooperators are Parks Canada, World Wildlife Fund, and other players to be named later. The plan is to capture and radio birds in spring of 2010 and have a BLM graduate SCEP student monitor the birds and identify the habitat.



GREATER SAGE-GROUSE CONSERVATION IN MONTANA AND THE DAKOTAS (continued)

Implementation: The BLM has worked closely with the Natural Resources Conservation Service (NRCS) to refine management techniques and to include private land management in the sage-grouse management effort. We both want to work more closely with adjacent landowners and permittees. We have cooperated on projects to reduce conifer encroachment and invasive/non-native species. We have also prioritized areas where we can work more closely and identified specific projects where we can cooperate.

The BLM also participates in three greater sage-grouse local working groups (LWGs) (Dillon, Miles City, and Glasgow) that were established under the final *Management Plan and Conservation Strategies for Sage-grouse in Montana* (hereafter *Management Plan*), led by FWP. The BLM also partners with the NRCS to fund a coordinator position to enhance the function of LWGs and to find new ways to achieve greater sage-grouse conservation across ownerships.

Yearly lek monitoring and data sharing is a high priority for all offices. Data protocols have been developed with local FWP offices to facilitate information sharing, and the BLM coordinates inventory and monitoring efforts with FWP, industry, and NGOs.

In an effort to minimize habitat loss to wildland fire, the BLM also made habitat mapping for wildland fire suppression use a top priority in 2009. Fire and fuels specialists continue to identify opportunities to reduce the threat of wildfire and areas where they can help reduce conifer encroachment and improve connectivity.

The BLM Washington Office is working on a draft IM to update the BLM National Sage-Grouse Habitat Conservation Strategy. This IM will cover Gunnison and greater sage-grouse management considerations for energy development in order to minimize the likelihood of listing either species under the Endangered Species Act (ESA). Actions are intended to minimize fragmentation of sage-grouse habitat and maintain viable populations of sage-grouse with a focus on high priority (core habitat) areas. The Wyoming BLM State Office is also working on an IM to align BLM project and planning actions with the Wyoming Governor's Sage-Grouse Implementation Team's Core Population Area strategy.

MAIN DECISION OR MESSAGE:

The BLM will use an adaptive management approach that applies the best available science/information to ensure that the public lands continue to be available for the BLM's multiple uses while conserving greater sage-grouse and sagebrush habitat. These efforts are especially important in light of the pending listing decision for sage-grouse by the United States Fish and Wildlife Service.

BUREAU PERSPECTIVE:

The director recognizes the BLM's role in sagebrush habitat management and greater sage-grouse conservation. As a good steward of the land, the BLM will continue to focus resources and efforts on conserving sagebrush and greater sage-grouse on BLM-managed lands. Environmentally responsible management actions towards energy development are intended to preserve sustainable sage-grouse populations. All these efforts will feed into future conservation and restoration opportunities under the director's Healthy Lands emphasis.

CONTACTS:

David Wood, Conservation Biologist, (406) 896-5246; or Gayle Sitter, Wildlife Program Lead, (406) 896-5024



PUMPKIN CREEK LAND EXCHANGE

PURPOSE OF THE BRIEFING DOCUMENT:

The Pumpkin Creek Ranch land exchange will consolidate federal land in an area 15 miles south of Miles City that has a checker-board land-ownership pattern. When completed, the exchange will create a 20,578-acre contiguous block of federal land for the public to enjoy, as well as facilitate a variety of resource programs which are less effective on small, isolated land sections.

ISSUE:

This facilitated, two-phase assembled exchange between BLM and The Conservation Fund is now in process.

Phase I, which has been completed, included 43 isolated parcels of federal land comprising 14,325.83 acres, and 22 parcels of non-federal land comprising 12,229.15 acres. Seven timely protest letters, one late protest, and ten letters of support were received on the Phase 1 portion. The state director signed seven decisions dismissing the seven protests; no timely appeals were filed with the Interior Board of Land Appeals. Phase I was officially completed Feb. 20, 2008.

MAIN DECISION OR MESSAGE:

The BLM plans to acquire the remaining 1,809.17 acres of private land within the Pumpkin Creek Ranch in Phase 2 of the exchange using an estimated 1,200 acres of federal lands in Carter County. The value imbalance in Phase 1 of \$21,578 owed to the United States is being tracked through a ledger account, and values will be equalized in Phase 2. The Miles City Field Office received approval to sign the decision for Phase 2 on Sept. 2, 2009, and the decision was signed on Sept. 4. The Notice of Decision (NOD) was published in the *Miles City Star* and *Ekalaka Eagle* Sept. 11, 2009, initiating the 45-day comment on the NOD. Phase 2 should be complete by the end of 2009.

BUREAU PERSPECTIVE:

Issues relating to access to public lands, recreation trends, agricultural needs, and commercial activities such as outfitting have placed emphasis on providing increased opportunities for the long-term public benefit. Management of the area for multiple-use objectives will benefit surrounding communities and visiting recreationists well into the future.

CONTACTS:

Deborah Johnson, Field Manager; or Mark Jacobsen, Public Affairs Specialist, (406) 233-2800.



MONTANA FUEL REDUCTION PROJECTS

PURPOSE OF THE BRIEFING DOCUMENT:

Fires in public forests and on public rangelands now threaten people, communities, and natural resources in ways never before seen in our nation's history. Today's forests contain fuels at previously unrecorded levels, while highly flammable invasive species now pervade many rangelands. They do so because decades of fire exclusion policies and other land management actions have altered fire's historic role in shaping plant communities.

To decrease risks from catastrophic wildfires, the Montana BLM completed fuels reduction projects on 5,452 wildland urban interface (WUI) acres and 8,287 acres of non-WUI in fiscal year 2009. We exceeded our goal of 13,580 acres by two percent. These projects enhance public safety in the WUI, and improve forest and rangeland health.

ISSUES:

The challenge to completing our prescribed fire projects is largely weather related. Periodic spring rains delayed the spring burn window, reducing the days available to burn because of early green up. Where possible, we look for alternative methods for meeting our objectives, but in most cases, the best way to maintain fire-adapted ecosystems is to apply fire to the landscape.

MAIN DECISION OR MESSAGE:

The fuels reduction projects are planned on a landscape level, taking into account other resource management objectives and requirements.

Projects are developed through collaboration with our cooperators and accomplished through partnerships with local, tribal, state, and other federal agencies, as well as interested stakeholders. We use a combination of contracted and government labor, and mechanical and prescribed burning methods.

BUREAU PERSPECTIVE:

The utilization of stewardship contracting, interagency government agreements, and indefinite deliveries/ indefinite quantities (IDIQ) contracts have helped in expediting critical fuels treatments in the wildland-urban interface.

CONTACT:

Karen Michaud, Fire Management Specialist, (406) 896-2911



HEALTHY AND RESILIENT FORESTS

PURPOSE OF THE BRIEFING DOCUMENT:

The Montana/Dakotas forests have undergone radical changes during the last century due to the suppression of wildland fires and low levels of active forest management. Frequent, low-intensity fires play an important role in promoting and maintaining healthy and resilient forest systems. Natural fires promote natural plant succession cycles.

Today, our forests are unnaturally dense, and forest ecosystem health has suffered significantly. When subjected to continued drought and excessive fuel buildup, these forests are vulnerable to unnaturally severe (catastrophic) wildland fires. Insect attacks have moved from natural endemic levels to epidemic proportions, further stressing our forested systems. This is a downward spiral that desperately needs to be changed.

ISSUES:

The National Fire Plan, which was adopted in May 2002 by federal agencies and western governors in collaboration with county commissioners, state foresters, and tribal officials, calls for more active forest and rangeland management. It establishes a framework for protecting communities and the environment through local collaboration on thinning, prescribed burns, and forest restoration projects.

President Bush announced the *Healthy Forests Initiative for Wildfire Prevention and Stronger Communities*, known as the Healthy Forest Initiative (HFI), in August 2002. The HFI focuses on improving regulatory processes and looking for legislative actions to ensure more timely decisions and greater efficiency in restoring forest and rangeland health, thus reducing the risk of catastrophic wildfires.

In February 2003, P.L. 105-277 was amended (P.L. 108-7) to provide Stewardship End Result Contracting authority to the BLM. This tool provides a mechanism to apply the values of timber and other forest products as an offset against the cost of services received on an approved stewardship project. It also broadens BLM's opportunities to work with partners through stewardship agreements, and provides an opportunity for multi-party monitoring on the use of the contracting authority.

The Healthy Forests Restoration Act (HFRA) (P.L. 108-48) was signed into law by President Bush in December 2003. Its purposes are to reduce the risks of damage to communities, municipal water supplies and federal lands from catastrophic wildfire; authorize grant programs to improve the commercial value of forest biomass; enhance efforts to protect watersheds and address threats to forest and rangeland health; promote systematic information gathering to address the impacts of insect infestation on forest and rangeland health; improve the capacity to detect insect and disease infestations at an early stage; benefit threatened and endangered species; improve biological diversity; and enhance carbon sequestration.

MAIN DECISION OR MESSAGE:

The director supports efforts to streamline the process required to restore the health and resiliency to our public land forests and to better work with our partners in management of our forest lands. These efforts will provide for expedited environmental reviews and full public participation while ensuring that the projects are carried out efficiently and effectively. This will preserve the principle of partnerships with local communities and local interests through the use of collaborative processes that include all stakeholders and partners at the local level.

The Montana/Dakotas BLM has been using the new tools made available through passage of these laws and initiatives. These include the hazardous fuel reduction categorical exclusion, expedited environmental assessments (EAs), and stewardship contracting authority. These tools have been applied as appropriate, along with our standard project implementation procedures. Several field office projects have utilized the hazardous fuel reduction categorical exclusion and expedited EA process. Since the authorization of BLM's stewardship contracting authority in 2003, 34 projects have used the stewardship contracting authority in Montana and the Dakotas.

BUREAU PERSPECTIVE:

Public interest is high and is expected to remain high as the efforts to restore forest health and resiliency on public lands moves forward. There is much support for measures outlined in the laws and initiatives, but there is also much special interest opposition.

CONTACT:

William Hensley, Forester, (406) 896-5042



EXEMPTION AREA WILDLAND-URBAN INTERFACE PROJECT

PURPOSE OF THE BRIEFING DOCUMENT:

The South Dakota Field Office is addressing hazardous fuels buildup in the wildland-urban interface (WUI) in the Exemption Area near Lead and Deadwood in northwestern South Dakota.

ISSUES:

The Exemption Area, in the northern Black Hills in South Dakota, consists of 22,530 acres that were exempted from the Black Hills National Forest due to the complex mineral survey and public land configuration. The BLM administers federal lands (5,220 acres) within the Exemption Area. The rest is private land.

Within the Exemption Area are several “communities at risk” including Lead, Deadwood, Central City, Pluma and Englewood, as well as numerous rural subdivisions. There are 2,675 acres of BLM-administered forested lands within half a mile of these communities.

In 2003, the Wildland-Urban Interface Plan was completed. Implementation began by treating the fire containment zones – treatment buffers along existing roads or trails that would provide safe access for fire crews – and removing standing dead trees in the Grizzly Gulch fire area within half a mile of Deadwood.

Commercial and non-commercial treatments will continue throughout this area to decrease the fuel loading. An additional issue is increased mountain pine beetle infestations related to the Exemption Area’s proximity to the Beaver Park area on the Black Hills National Forest.

MAIN DECISION OR MESSAGE:

Pre-commercial and commercial timber removal began in 2005 around the community of Englewood. This project used a stewardship contract to remove the commercial timber, followed by the removal of products other than logs and slash.

Since 2005, we have used mechanical treatments on 2,043 acres and completed 1,431 acres of machine and hand pile burning within this wildland-urban interface area. We have also completed mechanical treatments on an additional 301 acres that were identified as wildland-urban interface areas by the Lawrence County Community Wildfire Protection Plan adopted in 2009.

In FY09, 106 acres adjacent to the Wilderness Estates Subdivision near Englewood was treated using a stewardship contract. An additional 106 acres in FY 2010 will be completed in this same area using stewardship contracting. An area adjacent to the Jay Bird Subdivision is being planned and marked for treatment in 2011. This area was identified as a WUI priority area in the Lawrence County Community Wildfire Protection Plan.

The first round of treatments in each unit of the Exemption Area should be completed by the end of 2015 with follow-up treatments of prescribed fire and other non-commercial means the following years. The first round of burning is planned for the fall of 2009 in an area adjacent to Lead where the timber was harvested in 2002.

BUREAU PERSPECTIVE:

The planning process as well as the implementation is a collaborative effort among the BLM, Forest Service, South Dakota Division of Forestry, South Dakota Division of Wildland Fire Suppression, Lead and Deadwood city fire departments, Lawrence County Fire Board, and private landowners.

CONTACTS:

Marian Atkins, Field Manager, (605) 892-7001; or Travis Lipp, Fire Management Specialist, (605) 892-7013.



NOXIOUS WEEDS

PURPOSE OF THE BRIEFING DOCUMENT:

Noxious weeds continue to be the single largest threat to the natural resources of the nation. Noxious weeds continue to spread on all lands, reducing natural biodiversity and vegetation production and leading to soil erosion. Noxious weeds infest approximately five percent of BLM lands in Montana.

In 2008, the Montana/Dakotas BLM treated 130,569 acres using integrated weed management (IWM) methods in cooperation with other landowners and managers. An additional 266,554 acres were inventoried for weed infestations, and 63,898 acres were monitored for the effectiveness of weed management efforts. We are on track to exceed those targets this year.

ISSUES:

The BLM's weed management program involves cooperative efforts with other federal and state agencies, universities, counties, high school agriculture science classes, and private landowners. There is heavy emphasis on using prevention techniques to protect non-infested lands. The BLM in Montana and Dakotas also uses early detection and rapid response (EDRR) to reduce new infestations and to use existing funds in the most cost-efficient manner. In the past, the magnitude of our weed program, particularly our cooperative agreements with counties and private cooperators, exceeded specifically earmarked weed funding in our annual budget. Discretionary funding in other programs that benefit from weed management has been used to augment the program.

The BLM cooperates in prevention and education programs, including producing noxious weed videos, brochures, posters and other materials; certified weed seed free forage programs; biological weed control demonstration sites; IWM tours; and weed workshops. The Montana/Dakotas BLM staff will continue to provide training and technical assistance to various resource and weed management staffs. The BLM supports and incorporates the guidelines set forth in the May 2008 Montana Weed Management Plan in conjunction with other county, state, and federal agencies. The Montana and Dakotas staff also incorporates the use of management direction from the national strategy of "Partners Against Weeds," the management plan from the National Invasive Species Council, and the National Vegetation EIS, September 2007.

MAIN DECISION OR MESSAGE:

We are committed to doing the best job we can with available funding and will work cooperatively with our partners to set priorities. Montana/Dakotas BLM is also committed to IWM, which includes prevention, education, awareness, biological agents (insects and plant diseases), cultural practices, chemicals, physical, mechanical, re-vegetation, and the use of domestic animals. To comply with both federal and state law, the BLM will continue to use an IWM approach and encourage all resource management disciplines to participate in active IWM. It is imperative that the BLM and other cooperators continue their efforts or the "weed battle" will be lost.

Weed management will continue to be a very high priority. Our staff has expended considerable effort to apply for or assist cooperators in applying for outside source funding. Often these funds will have stipulations preventing their use on public lands, which again limits our ability to meet the weed challenge.

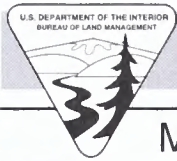
The Montana/Dakota staff is working in cooperation with state Fish, Wildlife and Parks organizations to increase staff and public awareness of aquatic invasive species. This will move the BLM in the direction of management of all types of invasives on public lands and waters.

BUREAU PERSPECTIVE:

Because BLM's weed program is a cooperative effort involving many counties as well as other state and federal agencies, high schools and universities, and private landowners, the effects of our reduced support will affect our various partners. There is a universal concern about the spread of noxious weeds and efforts to control them. Weed management cooperative groups and individuals will continue to petition congressional representatives for assistance with this problem.

CONTACT:

John Simons, Vegetation and Restoration Specialist, (406) 896-5043



WILD HORSE AND BURRO PROGRAM

PURPOSE OF THE BRIEFING DOCUMENT:

The primary goals of the BLM-Montana Wild Horse and Burro Program are to manage wild horses in the Pryor Mountain Wild Horse Range (PMWHR); conduct adoptions of excess wild horses from the PMWHR; and support the national program by adopting out wild horses originating from other states.

ISSUES:

The Wild Free Roaming Horse and Burro Act of 1971, as amended, mandates the BLM and Forest Service to manage wild horses and burros in a manner that achieves and maintains a "thriving natural ecological balance on public lands while maintaining multiple use relationship in that area." It also directs the BLM to remove excess animals and place them with qualified adopters. Subsequently, the BLM is responsible for compliance inspections ensuring the humane treatment of adopted animals and the titling of animals into private ownership.

Montana's only free-roaming wild horses are in the Pryor Mountains, about 60 miles south of Billings. These animals are reputed to be of Spanish ancestry. Although portions of the PMWHR were established through a Secretarial order in 1968 and 1969, the Wild Free Roaming Horse and Burro Act of 1971 superseded that direction. The Pryor Mountain Herd Management Area Plan, written in 1984 and revised in 1992, guides management of the range.

The Pryor Mountain Herd Management Area Plan (HMAP) was issued on May 22, 2009, involving a partnership among the Forest Service, National Park Service, and BLM. The HMAP takes a balanced approach to wild horse management while recognizing each agency's authority in wild horse management. The HMAP is designed to preserve Spanish characteristics, increase genetic diversity, and balance the wild horse population with the resources. The plan has numerous water projects, weed control, riparian protections and other improvements in order to protect resources and work towards increasing the AML. The HMAP is currently under appeal.

A gather was conducted September 3-8 on the Pryor Mountain Wild Horse Range and adjacent lands. A total of 57 wild horses were removed and 42 mares treated with PZP 22.

An adoption of excess horses from the PMWHR and adjacent lands was conducted Sept. 26 at the Britton Springs Administrative Site at the base of the Pryors on the Montana/Wyoming state line. A total of 52 wild horses were adopted and five older horses were direct sale.

Excess wild horses from other states are adopted out through annual events held throughout the region. Since 1984, more than 15,000 wild horses have been placed with qualified adopters in Montana/Dakotas.

MAIN DECISION OR MESSAGE:

The BLM strives to manage the PMWHR primarily for the benefit of wild horses while maintaining a thriving natural ecological balance and preserving multiple use relationships.

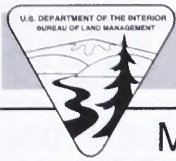
Effort is being made to hold more adoptions to support placement of excess wild horses from other states with good adopters. Montana personnel will be called upon more often by the national office to support strategic wild horse goals throughout the BLM.

BUREAU PERSPECTIVE:

Wild horse issues attract national and international attention. Local and national interest groups often are very passionate and highly involved with issues surrounding the Pryor Mountain wild horses. Some groups are interested in minimizing any human management while others are primarily concerned with the humane treatment of the horses, the economics of the horse program, or the environmental impacts wild horses have on the range. The Pryor Mountain Mustang Center provides local support. Success of the wild horse and burro program is highly dependent upon partnerships and volunteer efforts with interest groups and other federal and state agencies.

CONTACT:

Jared Bybee, Rangeland Management Specialist (State Wild Horse and Burro Specialist), (406) 896-5223

**MAJOR ENERGY RIGHT-OF-WAY (ROW) PROJECTS****PURPOSE OF BRIEFING DOCUMENT:**

To provide an update on major ROW projects crossing BLM land in Montana and the Dakotas.

ISSUES:

Electric transmission lines and oil and natural gas pipeline systems will traverse Montana and the Dakotas to support energy development and transport products to markets. The BLM is involved to process applications and issue ROW authorizations where federal lands are crossed. Depending on the type of project, BLM may be the lead agency and/or lead state for the project; and could be the lead, co-lead, or a cooperating agency for compliance with NEPA.

BACKGROUND:

With the assistance of BLM national project managers, we are currently working on three major ROW projects:

Keystone XL Pipeline Project – a buried 36-inch pipeline that will transport crude oil from Canada to the Gulf Coast in Texas. Of the 1,375 miles of new construction in the U.S., the project crosses 32 miles of BLM-administered public land in Montana. The Department of State is the lead federal agency for NEPA; Montana BLM is a cooperating agency. Currently, BLM is reviewing a revised plan of development and anticipates receipt of draft EIS (prepared under a third-party contractor) in September 2009 to review. Montana BLM will be the lead state to prepare, issue, and administer the ROW grant when issued. TransCanada anticipates a decision on its ROW application by early 2010 and plans an in-service date in the fourth-quarter 2011.

Mountain States Transmission Intertie (MSTI) 500-kV Transmission Line Project – approximately 430 miles in length, crossing Montana and Idaho. The BLM is the lead federal agency for NEPA compliance and Montana BLM is the lead state for the ROW grant issuance and administration. The Forest Service is a cooperating agency and will issue authorizations for the segments crossing the national forest lands. The BLM is working on route realignment issues and cultural concerns. The EIS is being prepared under a third-party contractor. Northwestern Energy anticipates a decision on its BLM ROW application by summer 2010 and plans an in-service date of 2013.

Bison Pipeline Project – a buried 24-inch natural gas pipeline approximately 297 miles in length through Wyoming, Montana and North Dakota. FERC is the lead federal agency for NEPA compliance; BLM is a cooperating agency. The Wyoming BLM is the lead state for ROW grant issuance and administration. The BLM is working on the EIS under a third-party contractor. TransCanada anticipates a decision on its BLM ROW application by summer 2010 and plans an in-service date of 2013.

Future Projects - BLM may see a new major ROW project (Chinook) from TransCanada for a 500kV transmission line in Montana and Idaho.

MAIN DECISION OR MESSAGE:

Montana BLM will process ROW applications for major projects to support the interconnectivity with the electric grid system and to transport oil and gas to help reduce U.S. dependence on unstable foreign supply sources. Processing the applications may require the assistance of BLM national project managers.

CONTACTS:

Cindy Staszak, Chief, Branch of Land Resources, (406) 896-5039; or Craig Haynes, Realty Specialist, (406) 896-5040



BLM'S DROUGHT POLICY

PURPOSE OF THE BRIEFING DOCUMENT:

National and statewide drought policies can affect annual livestock operations across the state. By providing guidance during winter and summer months, the BLM strives to assist land managers and permittees in avoiding last-minute economic surprises, improving grazing strategies, and reducing land use impacts.

ISSUES:

Most of Montana is not experiencing drought-like conditions. The exception is Glacier County which is in a "Drought Alert" (moderately dry). Slightly dry conditions exist in Fergus, Teton, Pondera, Toole, and Liberty counties. The "Drought Alert" in Glacier County is likely to persist through the fall. Additional information on the short term outlook can be obtained at: http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html

Drought Alerts:

The Montana Governor's Drought Advisory Committee strongly encourages watershed groups and county drought committees to convene and undertake planning for drought.

MAIN DECISION OR MESSAGE:

The Montana BLM's policy, supported by the bureauwide drought policy, presents existing laws and regulations used to guide livestock grazing in Montana and the Dakotas during periods of drought. The BLM has provided copies of this policy to grazing lease holders in the three states several times during the last decade. Montana's Drought Policy may be viewed at http://www.blm.gov/style/medialib/blm/mt/blm_programs/grazing.Par.72521.File.dat/drought.pdf

Under the drought policy, BLM assesses soil moisture levels necessary for plant growth, effective precipitation, environmental demands, plant vigor, and the amount of available water and forage prior to and during the grazing season. Emphasis is placed on allotments having multiple resource values, grazing problems, and a high percentage of federal land. If resource assessments indicate a need to delay livestock turnout, reduce livestock numbers, or close areas to grazing, BLM works closely with livestock operators to minimize impacts to their operations.

BUREAU PERSPECTIVE:

Most livestock operators, the Montana Stockgrowers Association, local and state grazing districts, and all resource advisory councils support BLM policy on grazing during periods of drought. Montana BLM is an active participant in the Governor's Drought Advisory Committee as well as local drought advisory committees and groups. When available and applicable, the BLM provides soil moisture and soil temperature conditions from remote automated weather stations (RAWS) as well as Soil Climate Analysis Network (SCAN) located throughout the state. This data, when combined with weather and climate data from other agencies and used with GIS soil survey data, assists Montanans in making decisions affecting their management options and techniques. More extensive and detailed soil information is available at http://www.cpc.ncep.noaa.gov/products/Soilmst_Monitoring/.

Montana drought information is available from the state's drought information page at: <http://drought.mt.gov/>. Information on a national scale may be obtained at: <http://www.drought.unl.edu/dm/monitor.html>, http://www.cpc.ncep.noaa.gov/products/expert_assessment/drought_assessment.shtml, and http://www.drought.gov/portal/server.pt/community/drought_gov/202.jsessionid=73060412814EE91C8EA8F536ED592D2D

CONTACT:

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**FEDERAL LAND TRANSACTION FACILITATION ACT:
BLM-MONTANA IMPLEMENTATION****PURPOSE OF BRIEFING DOCUMENT:**

To provide an update on the Montana Federal Land Transaction Facilitation Act (FLTFA) project status, encourage qualifying land acquisition nominations, and identify qualifying public land sales.

ISSUES:

The FLTFA provides an opportunity for the four federal land managing agencies (BLM, FWS, NPS, and USFS) to use a portion of the money derived from qualifying public land sales to purchase privately owned, high priority lands. Proceeds from BLM land sales and land exchange cash equalization payments have been deposited into an acquisition account.

To date nationwide, FLTFA acquisition money has funded 19 multi-state land acquisitions, with a total purchase price of \$17.85 million. The U.S. Fish and Wildlife Service was allotted \$1,425,000 of FLTFA funds to purchase 875 acres in the Red Rock Lakes National Wildlife Refuge in southwest Montana. Two additional parcels are awaiting secretarial approval: a 37-acre parcel near Hauser Lake, Helena, Montana, and an additional parcel within the Red Rocks Lake National Wildlife Refuge.

FLTFA is scheduled to expire in July 2010. Efforts are underway to get the bill extended, change the planning date requirement, and recommend other changes.

BACKGROUND:

The FLTFA, a/k/a the "Baca Bill," was passed in July 2000 and is set to expire in 2010. The purpose of the act is to use a portion of the proceeds of public land sales and land exchange cash equalization payments to purchase qualifying lands or interest in lands. FLTFA also allows BLM to use 20 percent of the net proceeds to cover land sale administration costs.

A proposed acquisition must be an inholding or border a federally designated area, contain an exceptional resource, and be offered by a willing seller. Since FLTFA restricts acquisitions to lands in the 11 western states, FLTFA funds cannot be used to purchase lands in the Dakotas. FLTFA accounts were established at the BLM state office level. The final decision on all acquisition nominations is made jointly by the Secretaries of the Interior and Agriculture. Currently, only proceeds from disposal lands identified in land use plans completed by July 25, 2000, can be deposited to the FLTFA account.

Status of Montana FLTFA Actions:

- The National FLTFA Memorandum of Understanding and the Montana State Implementation Plan are in place.
- The state team is composed of the state/regional managers of FWS, NPS, USFS, and BLM, with the Montana/Dakotas BLM state director as the team chairman. The team reviews acquisition nominations, determines priority order, and submits recommendations to the Secretaries of the Interior and Agriculture for final decision.
- Recommended acquisition fund allocation: BLM-60%; USFS-20%; NPS-10%; FWS-10%
- Montana FLTFA Acquisition Account balance: \$312,227
- A FLTFA interagency realty team met in May 2008 and recommended funding for a BLM purchase of a 37.68-acre parcel 20 miles east of and across Hauser Lake from Helena, Montana, and within the Lewis and Clark National Historic Trail. The remaining funds were recommended for purchase by the Fish and Wildlife Service of additional property within the Red Rocks Lake National Wildlife Refuge. The team recommendations have been submitted to the headquarters office for review and approval at the secretarial levels before the acquisitions can be initiated.

MAIN DECISION OR MESSAGE:

BLM field offices, other land-managing agencies, and members of the public need to submit qualifying land acquisition nominations in order to utilize the available purchase funds. When nominations are received, the interagency team will review and prioritize them, and send the recommendations forward for secretarial approval. Qualifying land sale proposals should also be pursued to contribute to the FLTFA fund. A recent headquarters initiative encourages the review of land use plans to specifically identify parcels that meet the FLTFA sale requirements and will help fund the work toward land sale offerings.

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MONTANA ARMY NATIONAL GUARD (MTARNG) WITHDRAWAL AT LIMESTONE HILLS TRAINING AREA

PURPOSE OF THE BRIEFING DOCUMENT:

The Army Corps of Engineers (COE) has filed an application on behalf of the Montana Army National Guard (MTARNG) and the Department of Defense/Army (DOA) to withdraw and segregate from mineral entry approximately 20,000 acres of BLM-administered land about three miles west of the Missouri River near Townsend in Broadwater County, Montana. The proposed withdrawal is for MTARNG to perform military training exercises and live firing.

ISSUES:

The MTARNG has used the Limestone Hills area since the 1950s under special land use permits (SLUPs). In 1984, a 30-year right-of-way (ROW) was issued to authorize the use. Eighty-eight percent of the range is administered by the BLM, with the remainder under state and private ownership. Live fire training at the range has included helicopter, tank, artillery, mortar and Bradley infantry vehicle gunnery. The types of weaponry ranged from small arms to 155 mm artillery, all of which have been fired into the impact area. Military training over the years has resulted in unexploded ordnance (UXO) contamination, particularly within the interior 5,000-acre impact area, though UXO has also been recovered outside that area. In 1993, COE experts determined that the area south of the 2.75-inch rocket safety fan was "widely contaminated" with UXO. Based on BLM policy, the Butte Field Office (BFO) implemented an emergency closure on the impact area. The MTARNG was advised that its ROW for the range will not be renewed upon expiration in 2014, and the appropriate authority for continued military use of the area and transfer of jurisdiction to DOA was through a withdrawal that can only be authorized by Congress.

Continental Lime (now Graymont Western) filed mining claim locations on public lands within the ROW area in the early 1980s and operated a limestone mine at the north end of the range in 1981. In 1992, and again in 1995, Graymont filed mining plan amendments resulting in an approved expansion of its operations further into the rocket firing fan area. In a memorandum of agreement (MOA) developed in February 2005, the MTARNG agreed to clear UXO from the expansion area so that Graymont could continue mining under the current safety plan. The safety plan has been approved by the Department of Defense Explosives Safety Bureau (DDESB), which must release the area for mining before the BLM can authorize exploration. Graymont located 36 additional mining claims in September 2003, and in 2006 filed a plan of operations to expand farther south into the training range. Graymont has contracted with Geomatrix to complete the EIS for the expansion, with review oversight falling to BLM and Montana Department of Environmental Quality. Graymont is concerned that the current rate of UXO clearance may not meet its mining needs, and that the MOA in place may not address current issues in the area.

If Congress enacts legislation to withdraw the area, administration of the land will transfer from BLM to DOA, with ultimate land management falling to the MTARNG (state agency) by lease from the COE. The Montana State Historic Preservation Office (MTSHPO) and the MTARNG have developed an agreement to address how Sec. 106 consultation will occur under state management.

MAIN DECISION OR MESSAGE:

The project legislative environmental impact statement (LEIS) has been completed. Alternative 3 has been identified as the agencies' (MTARNG and BLM) preferred alternative. Previous activities included the completion of public scoping for the LEIS, including a working group process; and the publication of a notice of proposed withdrawal in the *Federal Register* on August 7, 2007, which closed the land for up to two years from settlement, sale, location or entry under the general land laws, including the mining laws. The original segregation period expired August 6, 2009. A BLM petition/application for withdrawal in aid of legislation for this area has been submitted to Director (350) to protect the current uses pending approval of legislation.

The LEIS Findings and Recommendations were submitted to the BLM Director and the Secretary of the Interior, but final approval rests with Congress.

BUREAU PERSPECTIVE:

Public interest is high. The withdrawal would affect county PILT payments, current and future mining operations, and recreationists/hunters, and could impact several grazing allotments depending on how the management plan for the firing range is structured after the LEIS is completed. There is also potential for the validity of some of the mining claims to be affected by the withdrawal.

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